

RURAL LANDS STUDY COMMUNITY MEETING FEBRUARY 24, 2005 OVIEDO HIGH SCHOOL

INTRODUCTION AND POWERPOINT PRESENTATION BY ALICE GILMARTIN
(POWERPOINT PRESENTATION ALSO ON WEBPAGE)

GROUP SESSIONS AT INDIVIDUAL TABLES

PUBLIC COMMENTS:

- ❖ Water supply – This should not be confined to just the Geneva area. It should be tied in more with a countywide program. With the current zoning, there isn't a water supply problem in Geneva. It should all be looked at.
- ❖ Infrastructure – We were unsure what was intended regarding creating cross sections that were more rural in character. You need to look at it on an individual basis and be flexible regarding how you approach that particular topic and maybe be site specific in what you recommend; depending on what the site is. The other thing we are concerned about is fire protection. If we want one in our house, we will put one there. If our insurance company wants to fight about it; that's our problem.
- ❖ Urban Boundary – Everybody here was very excited about the urban boundary in Black Hammock. We want to maintain the urban area. We like the cluster development concept. We talked a lot about that.
- ❖ Rural Areas – (no name given) Our two issues are transitional zoning versus buffering and re-establishing the standards (inaudible) tied into buffering (inaudible) for the protection of all parties involved and strict enforcement of fines: not just a slap on the wrist (inaudible). We also agree (inaudible) on the water issue that also (inaudible) purposes, no (inaudible) developments. Make sure that the (inaudible) sheds (inaudible) and use conservation (inaudible).
- ❖ Comment - Preserve the sensitive areas and agriculture uses. Make conventional development go through a special exception and the cluster development be the norm. Identify clearly the rural area and make sure that it is truly rural and have the urban areas do likewise.

- ❖ Protecting the boundary areas – Use the Comprehensive Plan to maintain the urban boundaries instead of automatically saying amending it. Transitional areas should occur along the edge of the rural boundary. Prepare and adopt J.P.A.'s with the cities with the goal of protecting the rural boundaries that we have right now. Use the fiscal impact analysis model to evaluate any possible amendments to the rural boundary. Regarding fire protection, we assumed what it means is that if the building codes require you to have fire sprinkler system, then the water is coming from a well, not from the city water source or county water source. We were not sure whether the recommendation was requiring fire suppression on residences.
- ❖ There were a tremendous number of things that we commented on that were on the materials. We wrote on the map/list of strategies and fine tuned what was there. One issue we wanted brought up was need for the historic identification and preservation for the entire Rural Area. Not just in Geneva, but that all of Chuluota and Black Hammock also have significant resources and they need to be identified and there needs to be some sort of effort made to protect them also. The other item was to build on the Natural Lands Program that the County has now. There us a need to continue to identify and create viable habitat and environmental corridors so that these are functional and that they are inter-connected. Statewide it would be called the Greenway; in Seminole County we would have to come up with another name.

CLOSING REMARKS FROM ALICE GILMARTIN

- ❖ Question from the audience regarding the master drainage plan. Where is it?

Alice advised that the master drainage plans are for the individual drainage basins, i.e., the Lake Jesup Drainage Basin. County Staff responsible for this work is the Stormwater Division in Public Works. They have a long list of improvements identified in the individual master drainage basin plans. These will eventually need to be done in order to improve the drainage sheet flow. The County is also dealing with another concern, what we are calling the Total Maximum Daily Load; that is flowing into Lake Jesup. When we use the term control strategies, we are looking at some kind of storm water control not only help move storm water, but help clean it up to help improve the water quality of Lake Jesup

- ❖ Comment from audience:

We have questions about drainage, could someone from Storm Water come to our next meeting with their plans? Alice responded that she ask someone from Stormwater Division to attend the next meeting.

- ❖ Question from the audience. What is the status of the Charter Amendment?

April Boswell with the Planning Staff advised that the County appealed the decision of the Judge. There are briefs that are due in mid-March. Right now we are moving forward with implementing the Charter Amendment because the County did appeal the Judge's decision.

- ❖ Question from the audience. So as long as there is an appeal, the boundaries are in effect?

April advised that yes; that is the case.

- ❖ Question from the audience. Can you explain to us what steps you go through to appeal?

April advised that the County Attorney's Office is spearheading that action. They have filed their appeal with an Appellate Judge. The City and the County have to file Briefs with the Court and the Court will decide whether or not there will be oral arguments.

Commissioner Randy Morris spoke to the audience regarding the appeal issue. Mr. Morris advised that the Court ruled on one part of a multi-part claim by the City of Winter Springs. They ruled on the language and interpretation that dealt solely with one part, there was actually a footnote in the hearings, but it became a part of the Judge's ruling. The Judge ruled in favor of every aspect of Seminole County, except for one. The one was actually on the language that specifically dealt with the shrinking of the rural boundary and the interpretation that the County Commission could shrink the rural boundary. The Judge believes that by putting that language in, which the County put in because the Cities asked for it, we could only shrink, the County can not expand. By the strict interpretation of the English language, that meant that we are actually saying "we" have the sole authority, not a voter petition drive or something like that. We were usurping another part of the County Charter and the State Constitution that allows people to petition the County for change. That clearly wasn't our intent. Our intent was the County Commission may only shrink it; they may not expand it. The Judge took the literal interpretation that we were saying only we could do it. No, we were saying that only we could shrink it; not, only we could do it. The other parts of the Charter would still stand. But, with that, the Judge ruled that it was invalid because of the language issue there; we then appealed to the Court of Appeals; everything is stayed exactly as the voters left it on that day; so it is still in full force until the Appeal is ruled on. Winter Springs is still using the same Attorney and the County hired an outside Attorney who represented the Home Builders Association that defeated the Volusia County rural boundary issue last year. The issue is that the Court of Appeals is a very conservative Court. About the Appeal; it doesn't mean that the Appeal goes to the one issue; Winter Springs now has the right to re-open every issue that the Judge ruled on; as we do. The County wants clarity on one issue. Now we have to go back to a much broader argument. It's going to be an extended argument and so far as we know, neither part has said this is where it

ends. So, this could go as far as the Supreme Court. The length the time by doing that; versus staying in Court; versus going back if you do have a ruling against you; going back to the voters with clarifying language; that could all happen. These Court actions typically; they try to do it judiciously and expediently, because you are acting on a voter's item. Typically, once the D.C.A. gets the Briefs, we should have a pretty quick ruling. The parties are exchanging information well.

- ❖ Question from the audience. How long do we have to submit our written comments on the proposed strategies?

Alice advised that we would like to receive your comments in the next 2 to 3 weeks.

- ❖ Question from the audience. Is there anything on the web where citizens can go to and read about the appeal and the status of it?

Commissioner Morris advised the audience that the status of the Appeal cannot be found on the Web.

- ❖ Alice thanked everyone for coming. The meeting was adjourned.